

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GEORGE REAVES, JR., and)	
SHERIDAN REAVES,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 12-cv-0161-MJR
)	
ILIJKA KURESEVIC, ALL FREIGHT)	
SYSTEM, PIERRE CHARLES,)	
AMERICAN BUS SALES, LLC,)	
RAYMOND MORGAN SWEENEY,)	
MILOS PERAKOVIC and ILINKA)	
KURESEVIC,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

REAGAN, District Judge:

Plaintiff George Reaves, Jr., alleges that on February 26, 2010, he was severely injured in a traffic accident when Ilija Kuresevic, who was driving a Freightliner truck and hauling a trailer, slowed or stopped on the roadway. According to Plaintiff, Ilija and Ilinka Kuresevic, d/b/a as Kim Xpress, (the Kuresevics) are individual drivers and vehicle owners, operating as a trucking transport company. Reaves also claims that Defendants All Freight System, Pierre Charles, American Bus Sales, LLC, and Raymond Morgan Sweeney were following Reaves too closely and failed to slow or stop before crashing into him. Lastly, Plaintiff alleges that Milos Perakovic, the

relief driver employed by the Kuresevics, was negligent in allowing his vehicle to slow or stop on the roadway.

Plaintiff claims that, as a result of the accident, he suffered permanent and disabling injuries to his entire body, including his head, face, brain, neck, back, knee and teeth. Plaintiffs seek compensatory damages against all Defendants and both compensatory and punitive damages against the Kuresevics.

On July 10, 2012, Plaintiffs moved to dismiss Defendants All Freight System, Pierre Charles, American Bus Sales, LLC, Russell Powell and Raymond Morgan Sweeney without prejudice. The Kuresevics objected to Plaintiffs' proposed dismissal, submitting that they had previously filed a crossclaim for contribution against All Freight System and Pierre Charles, and were contemporaneously filing a motion for leave to file a crossclaim for contribution against American Bus Sales, LLC, and Raymond Morgan Sweeney.¹ As a result, the Kuresevics move the Court to deny Plaintiffs' motion to dismiss the claims against these Defendants. In the alternative, should the Court grant Plaintiffs' motion, the Kuresevics pray the Court not to dismiss their crossclaims against these Defendants and that they be allowed to pursue their crossclaims in the nature of third-party claims for contribution.

¹ The Kuresevic Defendants filed an amended crossclaim against All Freight System and Pierre Charles, and a crossclaim against American Bus Sales, LLC, and Raymond Morgan Sweeney on August 9, 2012 (Docs. 53, 54).

Pursuant to Federal Rule of Civil Procedure 41(a)(2), the Court **GRANTS** Plaintiffs' motion to dismiss Defendants All Freight System, Pierre Charles, American Bus Sales, LLC, Russell Powell and Raymond Morgan Sweeney as Defendants herein without prejudice and sustains the Kuresevics' objection in the alternative: the Kuresevics' crossclaims (Docs. 53, 54) remain for independent adjudication. The Kuresevics shall amend their pleadings to allege third-party claims for contribution.

IT IS SO ORDERED.

DATED this 28th day of August, 2012

s/Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge